

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALTON D. BROWN, also known as	)	
POLITICAL PRISONER,	)	
	)	
Plaintiff,	)	Civil Action No. 16-1081
	)	
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Cynthia Reed Eddy
TOM WOLF,	)	
<i>et.al.</i> ,	)	
	)	
Defendants.	)	

**ORDER DENYING AS MOOT MOTION FOR TEMPORARY RESTRAINING ORDER**

On September 1, 2017, Plaintiff filed a Complaint (Doc. 16) and Motion for a Temporary Restraining Order and Motion for a Preliminary Injunction (Doc. 17). On October 6, 2017, service of these documents was effectuated on Defendants.

Rule 65(b)(1) provides that a “court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” FED. R. CIV. P. 65(b)(1).

Plaintiff has succeeded in providing actual notice of this lawsuit to Defendants. (See generally Doc. 23). Accordingly, Rule 65(b) is inapplicable, as it applies only to the issuance of a temporary restraining order “without written or oral notice to the adverse party or its attorney.”

FED. R. CIV. P. 65(b)(1). Accordingly, Plaintiff's Motion for a Temporary Restraining Order ONLY is DENIED AS MOOT.

Nothing in this ruling, however, should be read to resolve Plaintiff's Motion for Preliminary Injunction raising the same issues, which remains pending before Magistrate Judge Eddy.

IT IS SO ORDERED.

October 27, 2016

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

ALTON D. BROWN  
DL-4686  
SCI Fayette  
P.O. Box 9999  
LaBelle, PA 15450-0999